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COMMITTEE ON THE RIGHTS OF THE CHILD

Second session

SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 1 October 1992, at 10 a.m.

Chairman: Mrs. BADRAN

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The meeting was called to order at 10.25 a.m.

SYSTEM OF DOCUMENTATION AND INFORMATION (agenda item 7) (continued)

MATTERS RELATING TO THE METHODS OF WORK OF THE COMMITTEE AND THE PRE-SESSIONAL WORKING GROUP IN RESPECT OF THE CONSIDERATION OF REPORTS TO BE SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 44 OF THE CONVENTION, INCLUDING:

(a) CONSIDERATION OF THE QUESTION OF TECHNICAL ADVICE OR ASSISTANCE;

(b) CONSIDERATION OF THE QUESTION OF AN INFORMAL TECHNICAL ADVISORY GROUP (agenda item 8) (continued)

1. Mr. SWEPSTON (International Labour Organisation) informed the Committee, before giving the floor to his two colleagues, specialists in major ILO programmes on child labour, that in November 1992 ILO would convene a seminar on slave labour, including child labour, at the request of the Working Group on Contemporary Forms of Slavery. The seminar, which would take place at Islamabad and would involve six countries in Asia, was being organized in collaboration with UNICEF, which would finance the participation of the non-governmental organizations (NGOs), with the Centre for Human Rights, which would arrange for the participation of representatives of the ministries of justice of the countries concerned, and perhaps also with UNESCO.

2. Mrs. DY (International Labour Organisation) said that, although child labour constituted one of ILO's main concerns, it was an illusion to hope that it would soon be eliminated. Consequently, it was advisable first of all to take provisional measures in the education and training sectors, as well as measures to improve working conditions. The main objective of the Interdepartmental Project on the Elimination of Child Labour was to promote an awareness of the problem among policy makers. The Project was therefore paying particular attention to information. In that field the statistics now being used were often a by-product of statistics on the workforce, which concealed certain aspects of the problem. It was therefore important to establish adequate statistical indicators. The various seminars held by ILO in Africa could also be considered part of the information drive. Africa was at a great disadvantage compared with Asia and Latin America, where the problem was being dealt with through a number of activities encouraged by UNICEF in particular. Seminars had therefore been held in Zimbabwe, Senegal and Tanzania, at which the participating countries had drawn up national programmes of action. ILO was also publishing bulletins on child labour in Africa.

3. The Interdepartmental Project was also paying particular attention to the formulation of national policies, especially in Latin America. Training seminars had been organized in collaboration with UNICEF in Argentina, Venezuela, Ecuador and Peru. In addition, a regional seminar on child slave labour had been held in Central America. At the national level, it was important to try to determine the reasons why national laws and regulations on the minimum employment age were not being respected and to identify the obstacles Governments faced in enforcing those laws and regulations.

4. Another objective of the Interdepartmental Project was to make a careful study of the socio-economic consequences of child labour. One argument regularly used by the "advocates" of child labour was that abolishing it might considerably affect the economies of the countries concerned. Although that argument was often greatly exaggerated, it should none the less be borne in mind. In that connection ILO was currently studying glass and carpet manufacturing in India, which depended to a great extent on child workers.

5. The Project was also dealing with the full range of questions relating to basic education and non-structured vocational training adapted to the needs of child workers, to the problems parents might encounter in regard to the education system in different countries, to the availability and quality of education, and to the relationship between the official school-leaving age and the minimum employment age. Studies in that field were being conducted in Egypt and Madagascar, with the collaboration of the Arab Gulf Programme for United Nations Development Organizations (AGFUND). In conclusion, the Project stressed not only respect for the law in matters of child labour but also awareness of the problem and the promotion of supplementary assistance programmes in the fields of access to health care and social security.

6. Mr. GHOSH (International Labour Organisation) explained that the International Programme on the Elimination of Child Labour supplemented the Interdepartmental Project which had just been mentioned. The International Programme had been established thanks to the generosity of certain donor countries, including Germany and Belgium. The ultimate objective was, of course, to eliminate child labour, but initially the main consideration, in more pragmatic terms, was to regulate and humanize it. In many countries it was impossible to eliminate child labour without first of all giving special attention to the improvement of overall economic conditions. The aim of the Programme was to promote an awareness of the problem among Governments, parents and NGOs and, consequently, to develop various information programmes and to encourage Governments to formulate policies and to adopt measures to humanize child labour. The Programme, which was of a long-term nature, sought particularly to prevent children from taking part in hazardous work, to eliminate child slave labour, and to protect the youngest and most vulnerable. It was currently being implemented in six countries: Brazil, India, Indonesia, Kenya, Thailand and Turkey. Since other countries had shown a strong interest, preparatory work had been started with a view to admitting them into the group of participating countries; the countries concerned were Bangladesh, Cameroon, Egypt, Pakistan, Philippines and Tanzania.

7. The administrative structure of the International Programme on the Elimination of Child Labour was centred around an executive committee, which approved the budget, established programme guidelines and evaluated programme results. The executive committee consisted of representatives of donor countries, of some participating countries - the others having observer status - and representatives of employers and workers. Similarly, in each of the six participating countries there was a national executive committee composed of representatives of the various ministries concerned and of workers, trade unions, employers and NGOs. The national executive committees selected the programmes of action to be implemented and evaluated the results. The programmes of action were addressed to governmental and non-governmental organizations, to executing agencies concerned with such matters as the

organization of workshops and the training of labour inspectors, and, of course, to children. Children were divided into four groups: children working in industry, children working in agriculture, children working in the service sector, and street children. In 1992-1993 programmes of action accounted for 90 per cent of the Programme's budget, and the remaining 10 per cent was for preparatory work and technical assistance operations.

8. Finally, it must be emphasized that the International Programme on the Elimination of Child Labour implemented programmes of action only if the country concerned displayed political readiness. In such a case a memorandum of agreement was signed jointly by the Government and by ILO. The memorandum set forth the objectives to be attained, the basic principles to be respected and the areas of cooperation; it also analysed the problems, formulated policies and programmes and set out the arrangements for implementation. In that connection, it should be borne in mind that many programmes were executed by NGOs.

9. The CHAIRMAN thanked the representatives of ILO and said that, in the absence of any objection, the Committee would hear representatives of other specialized agencies and United Nations bodies before starting the general debate, in accordance with the proposal made by Mr. Hammarberg.

10. It was so decided.

11. Mrs. GAMBLE-PAYNE (United Nations Children's Fund) said she welcomed the great importance attached by the Committee to statistical indicators and hoped that the seminar to be held on that topic in December would be a success. UNICEF was at the disposal of members of the Committee who wanted information on UNICEF's evaluation and follow-up methods.

12. UNICEF had been given the green light by its Executive Board to participate actively in the implementation of the Convention on the Rights of the Child and to incorporate its provisions in country programmes. The Executive Board had also requested that studies be made on the rights of the child in both developed and developing countries. A study had just been published on the complementarity of the rights of the child and the rights of women. UNICEF was currently training staff members in the rights of the child, particularly by distributing documents on the Convention to them.

13. In December every year UNICEF published a report on the State of the World's Children, in which members of the Committee would find a great deal of information and statistics on economics, nutrition, health and education. UNICEF had recently published its first regional report entitled "Children of the Americas", which contained much information and was to be followed by other reports on other regions. At the national level UNICEF published, in collaboration with Governments, a document entitled "Country programme recommendations", in which the social, economic and political factors affecting the status of children in the country concerned were analysed. That information enabled UNICEF to establish priorities for its activities. Members of the Committee could also profitably consult the programmes adopted by countries to attain the targets set out in the Plan of Action adopted by the World Summit for Children in September 1990.

14. The International Child Development Centre, which had its headquarters at Florence, Italy, and was co-sponsored by UNICEF and the Italian Government, was a valuable source of information for the Committee. It carried out very comprehensive studies on topics such as the situation of children in an urban environment, the impact of structural adjustment on children, and the complementarity of the rights of the child and the rights of women.

15. At the international level, from time to time UNICEF published studies on specific situations. The latest was on the question of children in armed conflicts and the methods used to evaluate their needs and to organize and coordinate humanitarian aid. UNICEF also published many documents containing a wealth of information, such as the one on children who were the innocent victims of war, in which it was explained that such children needed not only immediate material assistance but also aid in the longer term for their rehabilitation. Furthermore, there being no substitute for experience in the field, UNICEF was at the disposal of members of the Committee who wished to study certain situations on the spot. Lastly, UNICEF was ready to cooperate whenever the Committee considered it useful, particularly for the study of specific topics such as street children or children in armed conflicts.

16. Mr. ZACHARIEV (United Nations Educational, Scientific and Cultural Organization) said that UNESCO's main project for children was entitled "The young child and the family environment", the purpose of which was to ascertain what factors promoted the physical, emotional and intellectual development of the child. UNESCO, in collaboration with other agencies such as UNICEF and WHO, was also participating in the early detection of handicaps in children and the establishment of programmes to rectify them. UNESCO was trying to collect and circulate among interested agencies information on children in the fields of education, culture and the social sciences. It assisted member States in elaborating, applying and evaluating their own programmes on children. It also stressed human resources and training, within the framework of the follow-up to the Jontien Conference on Education for All. In 1992-1993, UNESCO would issue an information bulletin and prepare radio programmes and a brochure on the rights of the child in education and culture. It would collect basic data on five African countries, make a critical study of five others, and publish guides for parents, teachers and community leaders. UNESCO remained at the disposal of the Committee for any information or document it might need.

17. Mr. BONEV (United Nations Development Programme) said that children were the principal beneficiaries of UNDP development aid and technical assistance inasmuch as they represented the majority of the population. UNDP had approximately 120 local offices, whose staff were responsible for ensuring that there was no overlapping among the programmes implemented by various specialized agencies. It cooperated closely with a number of agencies, including UNICEF, UNESCO, ILO and WHO, in the execution of various programmes, some of which might relate particularly to children if the Government of the country concerned so decided.

18. Mr. BELSEY (World Health Organization) said that WHO attached the highest importance to the relationship between mother and child and to the role of the family. It was particularly alive to certain articles of the Convention, such as article 7, which dealt with the right of the child to have a name. In many

societies in which post-natal mortality was extremely high, with some 6 to 10 per cent of children dying in the months following birth, families did not give a name to children, probably as a protective reflex. WHO did not believe that post-natal mortality was inevitable and that eliminating it called for extensive resources, and it was actively engaged in a campaign to ensure that every child was given a name. Article 18 of the Convention, on the joint responsibility of both parents to bring up their child, was also very important.

19. The situation of children living in difficult circumstances was a source of concern to WHO, since such circumstances had detrimental effects on the physical and mental health of children over the short and the long term. Furthermore, children who were the victims of abuses and aggression such as malnutrition and sexual violence would become violent parents reproducing the attitudes which had marked them in their childhood. That vicious circle had to be broken. It should also be remembered that any maltreatment or lack of care weakened a person in every respect and helped to create rifts between individuals within the same society, whose development was thereby arrested.

20. Close cooperation had been initiated among several specialized agencies of the United Nations system in the form of joint committees and many common activities projects. There was, for example, a high-level coordinating committee on maternal and child health and family planning involving UNFPA, WHO and UNICEF, which met at least three times a year and organized information campaigns as well as activities in the field. In addition, WHO maintained close contact with the International Pediatric Association and was working to ensure that instruction in children's rights was included in the training programmes of medical personnel working with children, such as paediatricians and midwives.

21. How could WHO help the Committee on the Rights of the Child? It could make available relevant information documents, having regard in particular to the implementation of article 24 of the Convention, and tell the Committee of its indicators, which were currently being reviewed with the help of UNICEF. In that connection it should be borne in mind that there were no reliable indicators concerning neglected and maltreated children. WHO also had databases on various aspects of child health containing data transmitted by Governments, as well as information drawn from official publications or collected from reports or meetings. For example, the database on maternal health comprised 4,000 separate entries. In addition, WHO was designing tools to evaluate the gap between the material investments made by States and the quality of the services delivered. The Committee should be aware, for instance, that the existence of medical or paramedical structures was not always a guarantee of good-quality care. In short, WHO was concerned with general problems such as AIDS and water supplies which affected children like other persons, but it was also participating, in collaboration with other United Nations agencies and NGOs, in initiatives relating specifically to women and children.

22. The CHAIRMAN thanked the representatives of the specialized agencies for their interesting statements.

23. Mrs. BELEMBAOGO said it was gratifying that the representative of UNESCO had drawn attention to the status of children in the family environment. Although interest was frequently shown in the question of school education, on which it was easy to find statistics, the situation of children in their families was more rarely dealt with and it was not always easy to obtain information on children separated from their parents, maltreated children, under-nourished children and so on, although useful information on the subject could sometimes be obtained from ministries of social affairs. In any case, the status of children in the family should be taken into account by the Committee when it considered reports submitted by States parties.

24. Mr. ZACHARIEV (United Nations Educational, Scientific and Cultural Organization) explained that much work remained to be done on the collection of information in the area mentioned by Mrs. Belembaogo.

25. Mr. HAMMARBERG raised the issue of what kind of cooperation should be established between the Committee and the competent specialized agencies. Article 45 (a) of the Convention on the Rights of the Child stated that the Committee could invite the specialized agencies, UNICEF and other United Nations organs to submit reports to it on the implementation of the Convention in areas falling within the scope of their respective mandates; the inference was that the Committee could request the competent bodies to submit reports either on a particular topic, or on a particular country. Furthermore, article 45 went on, in paragraph (b), to provide that the Committee should transmit, as it might consider appropriate, to the specialized agencies, UNICEF and other competent bodies any reports from States parties that contained a request, or indicated a need, for technical advice or assistance. That provision was perhaps more difficult to interpret, since each State already had a relationship with the bodies in question and duplication should be avoided. Consideration might perhaps be given to an arrangement whereby, after the examination of each report, the Committee met with the representatives of the competent agencies for the purpose of deciding how best to help States which needed assistance. It was essential that the Committee should be not only a policeman pointing his finger at the negative elements but that it should also ensure that there was some follow-up to its consideration of reports. Under article 45 (c) the Committee could recommend to the General Assembly that it request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child; perhaps the Committee could directly request the competent bodies to make such studies, bearing in mind the requirements of confidentiality.

26. The activities of the Committee on the Rights of the Child, which was a treaty monitoring body, and those of international and non-governmental agencies working with children, which were now on the spot, should be complementary and mutually beneficial. The Committee needed concrete information in addition to the information contained in States parties' reports. It would be interesting to know how the representatives of the specialized agencies themselves envisaged their cooperation with the Committee.

27. Mr. SWEPSTON (International Labour Organisation) noted with satisfaction that the specialized agencies were ready to cooperate with the Committee on the Rights of the Child. However, it would be difficult for them to have

their work priorities dictated by the Committee, which should take into account the limits within which the agencies inevitably had to operate. As to Mr. Hammarberg's question on the studies which could be prepared at the Committee's request ILO would be pleased to supply the Committee with information on studies already made, but if the Committee asked it for a study on a specific aspect of child labour for which there was no budgetary provision, ILO would have difficulty in responding to the request.

28. With regard to applications for technical assistance, two cases might arise: either the Committee transmitted to ILO an application for assistance from a State party and ILO assessed whether its budget permitted it to respond, or the Committee decided, when considering a report, that a country needed the assistance of a specialized agency and ILO then dealt with that application within the framework of its country programming cycle. When United Nations treaty bodies considered national reports, ILO's approach was to communicate all the relevant information to those bodies. In addition, ILO would always be ready to participate in meetings of the Committee, both in informal working groups and in plenary. The time factor, however, might also limit cooperation between ILO and the Committee: if the latter were to meet twice a year for eight weeks, there was little chance that it could rely on the presence of an ILO official for the whole of that period.

29. Mr. BELSEY (World Health Organization) said that WHO's programme on children gave priority consideration to the social context in which they lived. WHO was willing to cooperate with the Committee within the limits of its resources, which were even more restricted than those of ILO, since WHO had practically no extrabudgetary funds. In exceptional circumstances trust funds were used to finance priority programmes such as the Global Programme for the Prevention and Control of AIDS and the Expanded Programme on Immunization. There were also certain legal constraints connected with the confidentiality of information: WHO was not always entitled to communicate information and had structured its database accordingly. Nevertheless, when WHO engaged in direct consultations with Governments, it was in a position to pass on messages while safeguarding the confidential nature of the documents. It was therefore essential to establish precisely what the working relations between WHO and the Committee on the Rights of the Child would be and, in particular, the legal modalities of their cooperation.

30. Mrs. GAMBLE-PAYNE (United Nations Children's Fund), responding to Mr. Hammarberg's point about the arrangements for cooperation, said that she shared the views expressed by the representatives of ILO and WHO. Account must be taken of each agency's budget limitations and of the legal considerations attaching to the confidential nature of information. It might be wise to convene a working group to consider the procedures that could be systematically put into place through the secretariat in order to work out an internal work programme and ascertain what resources were required. UNICEF was ready to play its role as an active partner of the Committee and had received the backing of its Executive Board for activities to follow up the implementation of the Convention on the Rights of the Child.

31. Mr. KOLOSOV noted with satisfaction that the specialized agencies were continuing to help Governments to solve problems relating to children, in accordance with the provisions of Convention. Nevertheless, it was

regrettable that the Committee had not yet considered, when drawing up its general guidelines (A/47/41, annex III), the crucial issue raised in the last preambular paragraph of the Convention - namely, the importance of international cooperation in improving the living conditions of children in all countries, in particular developing countries. The Committee should, if possible, alter its general guidelines or prepare special guidelines on that point, so that States could enrich their national reports with such information.

32. Mr. GOMES DA COSTA said that UNICEF was one of the most important agencies involved in the implementation of the Convention. However, he wondered what its position was at the institutional level with regard to articles 37 and 40 of the Convention, which dealt with the question of children in conflict with the law.

33. Mrs. GAMBLE-PAYNE (United Nations Children's Fund) said that UNICEF was working at the national level in close collaboration with Governments and NGOs in order to meet the needs of children in conflict with the law. UNICEF's activities were generally concerned with access to health care and education. However, NGOs and UNICEF were beginning to cooperate at individual country level with regard to the institutional arrangements set forth in the Convention for children in conflict with the law and the training of members of the police and the judiciary. Despite certain misgivings, Governments were showing an increasing interest in that question and in codification of the law, that should be better integrated into UNICEF's ongoing programmes. She would be pleased to provide Mr. Gomes da Costa in due course with supplementary information on the activities UNICEF was undertaking in different countries in connection with children in conflict with the law.

34. Mr. BONEV (United Nations Development Programme), responding to Mr. Kolosov's suggestion about national reports, said UNDP had great experience in that field. For example, on the occasion of the United Nations Conference on Environment and Development held at Rio de Janeiro, it had contributed to the preparation of more than 120 national reports on the environment. UNICEF and other agencies should be in a position to help States parties to prepare reports if requested.

35. Mgr. BAMBAREN GASTELUMENDI noted that the spirit of cooperation taking shape between the specialized agencies and the Committee was gratifying and he hoped that such cooperation would take concrete form despite budget limitations. In connection with the question of child labour, perhaps ILO would explain the exact relationship between the exploitation of children and the increase in poverty. In his opinion, a large number of children were forced to work in order to survive. However, international organizations and Governments merely insisted on the elimination of child labour without tackling the root of the evil, which was poverty.

36. Mr. SWEPSTON (International Labour Organisation) said that poverty was in fact one of the causes of child labour. In rich countries few children worked, a factor that was taken into consideration in ILO's studies on the subject. Poverty was often the cause of violations of human rights; it could not, however, serve as an excuse for them. In that connection, a dual approach was called for: an effort must be made to eliminate the causes of

abuses and at the same time, in the spirit of the Convention, to take measures to prevent abuses from spreading. That was the approach being taken in the preparatory work for the World Conference on Human Rights, which would discuss the fundamental question whether development was a prior condition for respect for human rights or whether it was the other way round.

37. Mrs. EUFEMIO, reverting to a point considered on the previous day - namely, national mechanisms for following up the implementation of the Convention, said it was essential to deal with that question before considering the preparation of reports. It would be helpful if the specialized agencies could provide technical assistance at the national level and participate in following up the implementation of the Convention in respect of the matters that related to them.

38. Mr. BELSEY (World Health Organization) said that WHO could take part in following up the implementation of the Convention only at the express request of a State party and that its contribution could be no more than purely methodological. WHO was in a position to assist the Committee solely with regard to its analytical methods, to enable it to draw conclusions from certain data.

39. Mr. SWEPSTON (International Labour Organisation) noted that the question of confidentiality had been mentioned on several occasions. ILO's position in that respect was slightly different from that of other specialized agencies, since ILO established standards and had a monitoring function. The practice followed with United Nations bodies was that the reports of Member States on the implementation of ILO conventions they had ratified were brought to the knowledge of all. The ILO's Constitution even stipulated that they must be published, but that was not always done because of lack of funds. The documents containing the comments by ILO's monitoring bodies were also available to all. Lastly, he was pleased to invite members of the Committee to visit ILO to examine the system of documentation relating to the implementation of conventions.

The meeting rose at 1.p.m.